

REMARKS/ARGUMENTS

The Applicants originally submitted Claims 1-27 in the application. In a previous response, the Applicants have amended Claims 1, 3-4, 8, 10-11, 15-17, 21-22 and 26-27. No Claims have been cancelled or added. Accordingly, Claims 1-27 are currently pending in the application.

I. Rejection of Claims 21 and 23-27 under 35 U.S.C. §102

The Examiner has rejected Claims 21 and 23-27 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,495,522 to Allen, *et al.* (Allen). The Applicants respectfully disagree since Allen does not teach a system for managing deletion of telephony recordings stored in a storage unit, including a file structure including directories, each of the directories designated to contain only telephony recordings created during particular periods of time and a controller, as recited in Claim 21.

The Examiner asserts the Call Detail Records (CDRs) of Allen are telephony recordings as recited in Claim 21. (Examiner's Final Action, page 2). The CDRs, however, are not telephony recordings but line information that is generated when a telephone line is disconnected from a bridge. The CDRs include such information as line number, conference number, start time, end time, *etc.* (Column 22, line 63 to Column 23, line 18). Thus, the cited teachings of Allen do not disclose directories designated to contain only telephony recordings as recited in Claim 21 but disclose the storage of telephone line information.

Since Allen does not teach each and every element of independent Claim 21, Allen does not anticipate the invention associated with Claim 21 and Claims dependent thereon. Accordingly, the

Applicants respectfully request the Examiner to withdraw the §102(b) rejection with respect to Claims 21 and 23-27 and issue allowance of these Claims.

II. Rejection of Claims 1-4, 8-11, 15-17 and 20 under 35 U.S.C. §103

The Examiner has rejected Claims 1-4, 8-11, 15-17 and 20 under 35 U.S.C. §103(a) as being unpatentable over Reichmann W/O 98/39901 in view of U.S. Patent No. 6,553,183 to Kataoka. The Applicants respectfully disagree.

Reichmann has been cited to teach a recorder controller that provides an audible reproduction of a call to a user in real time and allows the user to preserve the recording based on the audible reproduction to delay overwriting as recited in Claims 1, 8 and 15. (Examiner's Final Action, pages 4-5). Reichmann is directed to transcribing telephone calls as a digital audio file and forwarding the digital audio file electronically to a pre-selected address. (Page 1, lines 6-9). Reichmann teaches a telephone call transcription system that provides a digital recording of a telephone communication when selected by the user. (Page 2, lines 25-31). The user may record the call, cancel the recording during the conversation or erase the recording at the termination of the call. (Page 9, lines 10-23).

An audible reproduction of the call, however, is not provided to a user in real time as recited in Claims 1, 8 and 15. On the contrary, the user in Reichmann initiates the telephone call and, instead of being provided an audible reproduction in real time, is a party of the telephone call. (Page 9, lines 10-16). In Claims 1, 8 and 15, the user is not a party of the telephone call but is a monitor of the telephone call. (Specification, page 18, line 9 to page 19, line 2). Thus, Reichmann does not teach or suggest each and every element for which it has been cited.

Additionally, Reichmann does not specifically teach causing a recording to be subject to eventual overwriting and thus preserving the recording to delay the overwriting. The Examiner, therefore, cites Kataoka to teach a recording system that is subjected to overwriting. (Examiner's Final Action, page 4). Kataoka, however, does not teach or suggest providing an audible reproduction of the call to a user in real time allowing the user to preserve the recording based on the audible reproduction to delay the overwriting. (Claims 1, 8 and 15). On the contrary, Kataoka simply teaches a recording device for hierarchical overwrite recording of video and/or audio data without an accompanying complicated mechanical operation. (Abstract). Kataoka, therefore, does not cure the deficiencies of Reichmann.

Since Reichmann and Kataoka, individually or in combination, fail to teach or suggest each and every element of independent Claims 1, 8 and 15, the cited combination of Reichmann and Kataoka does not render obvious the inventions associated with Claims 1, 8 and 15 and Claims dependent thereon. Accordingly, the Applicants respectfully request the Examiner to withdraw the 35 U.S.C. §103(a) rejection of Claims 1, 8 and 15 and Claims dependent thereon and allow issuance of Claims 1-4, 8-11, 15-17 and 20.

III. Rejection of Claims 5, 7, 12, 14, 18 and 20 under 35 U.S.C. §103

The Examiner has rejected Claims 5, 7, 12, 14, 18 and 20 under 35 U.S.C. §103(a) as being unpatentable over Reichmann in view of Kataoka and in further view of U.S. Patent No. 6,542,602 to Elazar. The Applicants respectfully disagree.

As discussed above, the cited combination of Reichmann and Kataoka does not teach or suggest each and every element of independent Claims 1, 8 and 15 in which Claims 5, 7, 12, 14, 18

and 20 depend. Elazar has not been cited to cure the deficiencies of Reichmann and Kataoka but to teach recordings subject to overwriting on an aged basis. (Examiner's Final Action, page 6). Thus, the cited combination of Reichmann, Kataoka and Elazar do not teach or suggest each and every element of dependent Claims 5, 7, 12, 14, 18 and 20. Accordingly, the Applicants respectfully request the Examiner to withdraw the 35 U.S.C. §103(a) rejection of Claims 5, 7, 12, 14, 18 and 20 and allow issuance thereof.

IV. Rejection of Claims 6, 13 and 19 under 35 U.S.C. §103

The Examiner has rejected Claims 6, 13 and 19 under 35 U.S.C. §103(a) as being unpatentable over Reichmann in view of Kataoka and in further view of U.S. Patent No. 6,064,732 to Pezzullo. The Applicants respectfully disagree.

As discussed above, the cited combination of Reichmann and Kataoka does not teach or suggest each and every element of independent Claims 1, 8 and 15. The Examiner does not cite Pezzullo to cure the deficiencies of Reichmann and Kataoka but to teach an ADSI capable device. (Examiner's Final Action, page 7). Thus, the cited combination of Reichmann, Kataoka and Pezzullo does not teach or suggest each and every element of independent Claims 1, 8 and 15 and Claims 6, 13 and 19 which depend thereon, respectively. Accordingly, the Applicants respectfully request the Examiner to withdraw the 35 U.S.C. §103(a) rejection of Claims 6, 13 and 19 and allow issuance thereof.

V. Rejection of Claim 22 under 35 U.S.C. §103

The Examiner has rejected Claim 22 under 35 U.S.C. §103(a) as being unpatentable over Allen and in further view of Elazar. The Applicants respectfully disagree.

As discussed above, Allen does not teach each and every element of independent Claim 21. Additionally, Allen does not suggest each and every element of Claim 21 since Allen teaches a directory of information about telephony recordings instead of a directory of only telephony recordings. Elazar has not been cited to cure the deficiencies of Allen to teach telephone conversations between two parties. (Examiner's Final Action, page 7). Thus, the cited combination of Allen and Elazar does not teach or suggest each and every element of independent Claim 21 and Claim 22 which depends thereon. Accordingly, the Applicants respectfully request the Examiner to withdraw the 35 U.S.C. §103(a) rejection of Claim 22 and allow issuance thereof.

VI. Conclusion

In view of the foregoing amendment and remarks, the Applicants now see all of the Claims currently pending in this application to be in condition for allowance and therefore earnestly solicit a Notice of Allowance for Claims 1-27.

The Applicants request the Examiner to telephone the undersigned attorney of record at (972) 480-8800 if such would further or expedite the prosecution of the present application.

Respectfully submitted,

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